

Western Carolinian.

JOHN BEARD, JR.

It is even wise to abstain from laws which, however wise and good in themselves, have the appearance of inequity, and which find no response in the heart of the citizen, and which will be evaded with little remorse. The wisdom of legislation is especially seen in grafting laws on conscience.

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POLITICAL.

CORRESPONDENCE

THE WAR DEPARTMENT AND THE GOVERNOR OF ALABAMA.

DEPARTMENT OF WAR,
September 5th, 1833.

SIR:—I have had the honor to receive, and to lay before the President, yours of the 20th ultimo, and I have it in charge to communicate to you his views upon the subject of the intruders upon the Creek lands to which you refer.

The occurrence which has resulted in the death of an individual is much to be deplored. Whether the circumstances were such as to justify the act, is not for me to judge. It is the earnest wish of the Department, that the force employed in this unpleasant duty shall be applied so as to produce the desired result, with the least possible injury to individuals and with the greatest forbearance; and such will be found to be the spirit of all the instructions which have been issued.

The treaty by which the Creek Indians, in March, 1832, ceded to the United States their possessions in Alabama, contained the following stipulation:

Article 5th. "All intruders upon the country hereby ceded shall be removed from the same in the same manner as intruders may be removed by law from any other public land until the country is surveyed, and the selections made; excepting however from this provision, those white persons who have made their own improvements, and not expelled the Creeks from their lands. Such persons may remain till their crops are gathered. After the country is surveyed and the selections made, this article shall not operate upon that part of it not included in such selections. All intruders shall, in the manner before described, be removed from the selections for the term of five years from the ratification of this treaty, or until the same are conveyed to white persons."

It will be seen, that this article does not authorize the removal of intruders from this land, in the same manner as intruders may be removed by law from other public land. The "manner" herein referred to is prescribed in the Act of Congress, passed March 3d, 1807, entitled "An Act to prevent settlements being made on lands ceded to the United States, until authorized by law." This Act provides for the interposition of the Marshal and the employment of military force, under the orders of the President, and furnishes the authority by virtue of which the proceeding in Alabama in relation to this subject, has taken place.

There are two limitations to this obligation. One excepts from its operation "those white persons who have made their own improvements, and not expelled the Creeks from their lands, such persons may remain till their crops are gathered." As the season herein alluded to has passed away, and the crops have been gathered, this provision is no longer applicable to any settler upon these lands.

The other limitation is to the district of country, confining the obligations of the Government to remove intruders to the tracts located for the Indians, "after the country is surveyed and the selections made," and leaving the duty of removal imperative over the whole cession, until both of these objections are accomplished. The country is now surveyed, and the locations are not yet made, and considerable time must elapse before this is done. No exertions on the part of the Government will be spared to accomplish this object as speedily as possible, but from reports which have been made, that impositions have been practised upon the Agents employed in taking the census, and that more than two thousand names of persons are returned upon the lists, who are not entitled to reservations, and from the consequent necessity of rigid examination, as well as from the nature and extent of the locating duties, it is evident that this business will occupy some months.

It is obvious, therefore, that the treaty imposes upon the Government the duty of removing intruders from these lands. It is equally obvious, that the mode of removal is prescribed in that instrument, and is specifically provided, by an Act of Congress; and I may add the fact that the whole subject was fully explained to the Creek Chiefs, previously to the execution of the treaty, and that they were told what were the legal powers of the Government upon this subject, and how they would be carried into effect. These Chiefs were exceedingly anxious that a stipulation should be inserted, providing for the extension of the Intercourse Act of 1802 over the country, and thus vesting the whole jurisdiction in the United States. But they were explicitly told that the President could not and would not assent to this. But that as the land by the cession would become the property of the United States, all intruders upon it should be removed, as they may be removed from other public lands. In this, after some time, and with some reluctance, they acquiesced.

opinion of the Attorney General, by which you will see that that officer considers it the right and duty of the President to cause these removals to be made. In deed, I am not aware that the constitutionality of the Act of Congress of March 3rd, 1807, for preventing settlements upon the public lands, has ever been called in question, and the considerations connected with the subject are so obvious as to preclude all reasonable doubts upon the matter.

Here then is a positive duty, and an acknowledged constitutional authority, requiring the interposition of the President in the case under consideration. Are there any circumstances so imperative in their character as to justify the neglect of the obligations assumed by the Government in the Creek treaty?

In order, Sir, that you may have a full view of this matter, I have enclosed copies of various instructions and other papers having relation to it. These will place you in possession of the principal facts.

Since the ratification of this treaty, repeated representations have been made to this Department, by the public Agents, by respectable individuals, and by the Indians, that gross and wanton outrages have been committed upon the latter, by persons who have intruded upon the ceded lands. It has been stated that the houses of the Indians have been forcibly taken possession of, and sometimes burnt, and the owners driven into the woods, that their fields and improvements have been wrested from them and occupied by white persons, that aggravated injuries have been committed upon the persons of the Indians, and that their horses, cattle, hogs, and other property, have been forcibly taken from them. The appeals of the Chiefs to the Government to carry the treaty into effect and to afford their people protection, have been repeated and forcible. They represent that their crops have been taken from them, and they look forward to a state of starvation, unless some decisive step is adopted in their favor. In addition to all this, the Deputy Marshal reports that there are four hundred persons selling whiskey to the Indians in the ceded lands.

That this state of things requires a change, cannot be doubted. Surely no one would expect the Government to sit still and witness such aggressions without any effort to prevent them. You suggest that the law of Alabama, providing for the removal of intruders by actions of forcible entry and detainer, would be found sufficient for the protection of the Indians, and propose proceedings under it should be adopted with that view. To this suggestion the President sees two objections.

1st. The treaty expressly provides a different mode, and therefore leaves no discretion with the Executive, and, 2d. There is every reason to fear that the remedy pointed out would, if adopted, be found wholly inadequate.

Looking at the condition of the Indians, the intrusions among them, the injuries they have suffered, and are exposed to, the difficulty of proof, and the great delay which would attend the prosecution of such a number of law suits, and in a community, which could not but be excited upon the subject, it would be vain to expect that the protection promised could in this way be insured.

You do justice to the feelings of the President, in stating it as your belief that he is disposed to "cause the treaty to be carried into effect by such means only as are clearly authorized by the Constitution and laws." There is not the slightest wish, unnecessarily to injure or oppress the settlers upon these lands. I am well aware of the hardships and inconveniences to which frontier settlers are exposed, and every reasonable allowance should be made for their position. When there are no other obligations, intervening settlements have extended over the public lands without inconvenience to the country, and without interference of the Government. But in this case the rights of others are concerned, and the Executive is called upon to fulfill the obligations of a solemn treaty.

I do not however see that the treaty, "by obvious construction, permits settlements upon any of the lands ceded, except reservations," &c. The stipulation is, that intruders shall be removed from the ceded lands, before the country is surveyed and the locations made; but that after these acts are done, this provision shall not operate upon that part of the country not included in the selections. No permission to settle is here granted. The Government did not indeed stipulate with the Indians that intruders on lands unlocated should be removed, but the ordinary provisions of the law still apply to all persons living upon such land, and the prescribed penalty attaches to them.

Your excellency suggests that "encouraged by the treaty, by the laws of the State, and the express permission of the Government to settle upon and occupy them, population has moved upon them," &c. There is a misapprehension upon this subject, which I trust the enclosed documents will remove. No person has moved upon this land by the permission of the Government. Settlers without that permission having taken possession of the country, and the Government in this as in all other cases, being desirous of fulfilling its obligations with as little inconvenience

to the citizens as possible, on the application of the members of Congress from Alabama and others, consented in December last, that the settlers upon the land might remain till the locations were made. This was done, as the instructions will show, upon the presumption that the country would be surveyed, and the locations made, before it would be time to put in another crop, and also in the belief that no inconvenience or injury would result to the Indians. In both these expectations there has been a disappointment. The country has indeed been surveyed, but the locations have not been and cannot for some time be made, and the complaints of the Indians are assuming such a shape as imperatively to call upon the Government for its interference. It becomes therefore necessary to terminate the qualified permission which has been granted to residents.

Your excellency supposes that the Marshal, with an armed force, is making incursions among the inhabitants with a view of settling disputes between them and the Indians.

If the Marshal, or the military detachment under his orders, have assumed such an authority, they are acting without the instructions of the Government and contrary to its views. They are stationed upon the public lands for the purpose of removing intruders. There is not an individual settled upon the ceded lands who has the slightest legal claim to remain there. There is not one who has not by the act of settlement exposed himself, not only to forcible eviction, but to a specific penalty. There are no disputes which the Marshal is authorized to adjust. As a matter of favor, and to prevent injury as far as possible, that officer was authorized to permit such persons temporarily to remain, as had not injured the Indians. The investigation of this fact may be necessary to the action of the Marshal, but it is an investigation, not to give the right of interference, but to stay proceedings which otherwise, under the law and his instructions, must be had. I cannot therefore conceive what questions, "in their character strictly and properly legal," can come before the Marshal.

Allow me to repeat that the President is sincerely desirous of carrying the Creek treaty into effect with every proper attention to the wishes and feelings of the citizens of Alabama. I trust this disposition has been fully manifested in all the instructions that have been issued, and I cannot but hope that the propriety of removing from the ceded land, will be generally felt and acknowledged.

Very respectfully,
I am Sir,
Your obedient servant,
LEWIS CASS.

His Excellency JOHN GAYLE, Governor of Alabama, Tuscaloosa.

EXECUTIVE DEPARTMENT,
Tuscaloosa, 2d Oct. 1833.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th ultimo, together with the accompanying documents. They have been examined with the deliberate attention due to the subject to which they relate.

In mine of the 20th Aug. the objects I had principally in view, were to suggest to the President a mode of proceeding, for the protection of the Indians in their possessions and reservations, more congenial to the spirit of our institutions, than that of sending among our citizens an armed force; and to call his attention to the irregularities inseparable from its employment in executing the stipulations of the treaty of which the killing of Owen is an instance.

I did not advert to the condition of the settlers upon such parts of the "ceded territory" as were not included in these selections of the Indians, nor attempted to show that they had any right, founded either upon their claims to the indulgence of the Government, or the laws of the land to remain. It was impossible for me to anticipate the order contained in your letter to the Marshal of the 28th of August, directing the expulsion of our whole white population from the ceded territory. I beg leave, therefore, to submit, for the consideration of the President, my views upon this new and unexpected state of things, still trusting with an unshaken confidence, that upon a review of the whole subject, he will find ample room to rescind this, which I am constrained to believe is one of unequalled force and unnecessary severity.

In looking over that portion of the documents furnishing complaints against the settlers, which you did me the honor to enclose for my inspection, I was at once led to the conclusion that the determination to remove them had been produced mainly, if not exclusively, by the information contained in the letters of Mr. Austin, written in the months of July and August. All these documents, except the letters referred to, and one from some of the Chiefs, of the 20th December last, are of a date anterior to your communication to our delegation in Congress of the 5th December, 1832, giving permission to "those persons who obtained peaceable possession of the lands on which they live, &c., to occupy these tracts" till the several selections are made. It appears that the injuries com-

plaints of before this period, were more numerous, frequent and aggravated, than any which have been inflicted since. Mr. Austin has adopted the plan, it seems, of reporting to the War Department individual cases of intrusion, and when they are all summed up, they do not amount to any considerable number.

It is true that the tenor and complexion of his letters are calculated to make an unfavorable impression of the settlers generally, but it is obvious that his prejudice is very strong, that his feelings had been excited, and that a correct representation of their character, or of the true condition of the Indians, is to be obtained from some other source. If you have been led to form, from the letters of this gentleman, an unfavorable opinion of the great body of these people, I beg leave to assure you that it is utterly erroneous and unjust. Nineteenths of them have not interfered with the Indians, and in the upper counties which are the most populous, not a whisper of dissatisfaction has been uttered.

The country in question, as you have been advised, has been laid off into nine counties, by an Act of our General Assembly, and organized so as to put the entire machinery of our State Government into full operation. This measure was adopted as well in conformity with the known views and wishes of the President, as in pursuance of the Constitution of this State of Alabama. Several of these counties contain a population of six or eight thousand souls, and the aggregate amount will not be short of twenty five thousand.

The great object of the settlers, this year, has been to raise a sufficiency of corn and other provisions, to supply the wants of the next season, and also to obtain the necessary quantity of cattle, hogs and other stock. It is well known that the first business of settlers in a new country is to exchange their transportation for the means of subsistence, and this has actually been done by the greater portion of the population in the Creek Nation. Their wagons, carts, horses, &c., are gone, and very many can do possibly leave the country within the time specified in your instructions to the Marshal.

The agricultural season of these people have been crowned with success, and their crops of corn, peas, potatoes, &c. will place them during the ensuing year above the difficulties produced by the scarcity of the last.

Imagine for a moment the almost total destruction of these crops, the loss of most of the stock, and the wretched and destitute condition of thousands of women and children, and you will have a faithful picture of the scene which your orders, if executed, will spread over this entire region. It seems to me that the obligations resting upon the President, to avert from this large community so dire and overwhelming a calamity, are as "imperative in their character," as any which have been "assumed in the Creek treaty." At least they interpose considerations of equal weight, I should suppose with those by which it has been induced to overlook these obligations until the present time.

It is not to be last sight of, that these people do not stand in the light of intruders who have settled upon the public land, and continued their settlements against the orders of the Government. As before remarked, since your letter to Col. King and others, of the 8th December last, who were then in the country had permission to remain until the selections were made. This you say was given, as it doubtless was, "upon the presumption that the country would be surveyed and the selections made before it would be time to put in another crop, and, also, in the belief that no inconvenience or injury would result to the Indians." You further observe, that "in both these expectations there has been a disappointment."

The delay in making the locations was not produced by, any of the settlers, and the injuries complained of have been inflicted by but few. If the first cause of disappointment be matter of complaint, the sin does not lie at their door, and if offences have been committed, justice demands that the perpetrators alone should be punished.

The fifth article of the treaty of March, 1832, requires "that all intruders upon the country hereby ceded, shall be removed therefrom in the same manner as intruders may be removed from other public land, until the country is surveyed and the selections made," &c. For the "manner" of removal you refer to the Act of Congress of the 3d March, 1807, and take for granted, that, in all cases of settlement upon the public land, the employment of military force may be resorted to. I have no disposition to question the constitutionality of this Act, but I doubt the correctness of your construction.

It was not the intention of Congress, in passing the Act of 1807, to restrain persons from settling on the public lands who had no object in view beyond their cultivation.

Any one who is conversant with the fraudulent claims which individuals as well as companies had set up to large tracts of land, before and at the period when the Act in question was passed, will find no difficulty in perceiving that the principal, if not the sole purpose of Congress, was to prevent them from possession, by which they

expected to derive strength and validity to their claims. The Yazoo purchase, effected by a fraudulent contract with the State of Georgia, embraced thirty-five millions of acres. It was believed by those interested in this contract, that they would be in a situation to contend with the Government with better prospects of success if they could succeed in making settlements upon the territory they had purchased. It was their object to decide the controversy by suit at law, and to this end they had determined to place themselves in the attitude of defendants, by taking possession of the tract of country in which the county of Madison in this State is situated.

The Act of 1827 was framed to counteract the views of these and other fraudulent claimants, and to prevent such persons only from making settlements, as entertained the design of opposing the policy of the Government, as indicated in the rules and regulations established by Congress, respecting the territory of the United States. This view is confirmed by the fact that as often as the settlers upon whom the Act was to operate are mentioned, their claims are also adverted to, and the severest penalty denounced against them is the forfeiture of these claims.

All persons who had made settlements previous to the passage of the Act, are permitted to remain, provided they will sign a declaration that they do not lay any claim to the land, and do not occupy the same by virtue of any claim derived from any persons whatever, and provided also that they will yield quiet possession to any persons who may purchase of the U. States. If they refuse to submit to these conditions, the Marshal, at any time after the first of January, and after three months' notice is authorized to remove them and they incur the penalty of one hundred dollars, imprisonment not exceeding six months. The evidence to be furnished against those who may be indicted, among other things, is the certificate of the register that their claims to the land they had occupied, had not been recognized and confirmed by the United States.

Those who make settlements after the passage of the Act at the discretion of the President, may be removed by the Marshal, and they may have which shall be vested in the United States.

A recital of the several Acts of Congress passed in relation to persons who have occupied and cultivated the public lands, will confirm the opinion still more conclusively that that body did not intend to prevent their cultivation, and that this was not the evil sought to be remedied by the Act of 1807.

By the Act of 10th May, 1806, "each person who before the passage of the Act, shall have erected or begun to erect a grist mill or saw mill upon any of the lands herein directed to be sold, shall be entitled to the pre-emption of the section including such mill, at the rate of two dollars per acre."

By the Act of the 5th Feb. 1812, "every person or the legal representatives of every person who has actually inhabited and cultivated a tract of land lying in either of the districts established for the sale of the public lands, in the Illinois territory, which tract is not claimed by any other person, and who shall not have removed from said territory, every such person and his legal representatives shall be entitled to a preference in becoming the purchaser from the United States of such tract of land at private sale."

By an Act of 12th April 1814, "every person and the legal representatives of every person who has actually inhabited and cultivated a tract of land lying in that part of the State of Louisiana which composed the late territory of Orleans, or the Mississippi territory, which tract is not rightfully claimed by any other person, and who shall not have removed from said State or territory, shall be entitled to the right of pre-emption in the purchase thereof."

By the Act of 23d April, 1826, "every person or the legal representatives of every person, who being either the head of a family or twenty years of age, did not or before the first day of January 1825, actually inhabit and cultivate a tract of land situated in the territory of Florida, which tract is not rightfully claimed by any other person, and shall not have removed from the said territory, shall be entitled to the right of pre-emption in the purchase thereof."

By the 5th section of the same Act, "every person, or his or her legal representatives, comprised in the list of actual settlers, reported to the commissioner of the General Land Office, by the register and received for the district of Jackson Court House, in the State of Mississippi, under the authority of an Act of Congress entitled an act, &c. not having any written evidence of claim to land in said district and who on the third day of March, 1819 did actually inhabit and cultivate a tract of land in said district, not claimed, &c. shall be entitled to the right of pre-emption, on becoming the purchaser of the United States of such tract of land." (See Gordon's Digest, from which these extracts are taken.)

Each of these Acts embraced settlers in a particular State or territory, and were generally passed in anticipation of the

sale of the public lands. But the Act of 1830 is more general in its provisions, and includes all persons whatever, who had settled upon the public domain.

By that Act it is provided "that every settler or occupant of public lands, prior to the passage of this Act, who is now in possession, and cultivated any part thereof in the year 1828, shall be and he is hereby authorized to enter, with the register of the Land Office, for the district in which such lands may lie, by legal subdivisions, any number of acres not more than 100, or quarter section, to include his improvement, upon paying to the U. States the then minimum price of the land."

Here is a continued succession of Acts embracing and running through a period of thirty years, all conferring upon settlers the valuable privilege of pre-emption. They show beyond dispute that during this time it was the settled policy of the Government to encourage our citizens to settle and occupy the public lands, that this class of our population has always been esteemed highly meritorious, and that the exclusive right to purchase at private sale, has been extended to them in consideration of, and as a reward for, the services they have rendered by their settlements in tending the value and productiveness of the soil, and in affording facilities to purchasers to examine it.

These Acts have been passed, with the exception of that of 1807, subsequently to 1807, and if it be a crime to cultivate the public land, the Government has extended our citizens to its perpetration, by the offering of them large rewards, and conferring upon them valuable privileges.

When the settlement of the waste lands of the United States is the avowed object, according to the spirit, purpose and meaning of the Act of 1807, the President cannot properly exert the discretionary power conferred on him for the removal of settlers, unless he has good reasons to apprehend that their intent is to perform a claim to the land they occupy, or in some other respect opposing the Acts of Congress for disposal of the public domain, or interfering with and defeating the rules and regulations respecting the territory of the United States.

Those who have settled in the country ceded by the Creek Indians. They "do not occupy boundaries thereon by marking trees or otherwise," nor have they any intention to withhold it from any person, or persons who may purchase of the United States. Their only object is to occupy their settlements until they shall be offered for sale, and then to go into the market upon equal terms with other persons. The "manner" therefore, of removing occupants, who settle upon the public lands, with no design but to cultivate them, is not by military force.

A Treaty, like an Act of Congress, is the supreme law of the land, only when it is made in pursuance of the Constitution of the United States. If it trenches upon the admitted jurisdiction of a State, or violates the Constitutional rights of a citizen, it is not law, can impose no obligation on our people, and will be declared null and void by the legally constituted authorities.

Such is believed to be the character of that part of the 5th article of the Creek Treaty by which the Government has undertaken to remove by force, all intruders upon the occupations of the Indians, "until the country is surveyed and the selections made," and also to remove them in the same manner "from those selections, for the term of five years from the ratification of the Treaty," &c. The Indians, while they retained their character of a tribe, had no unqualified and indefeasible right to their immediate improvements. The second article of the Treaty not only confirms this right of possession until the selections are made, but after that period adds to it a fee simple title. "The article referred to requires that a certain number of these persons shall be taken under the direction of the President, and the selections shall be made so as to include the improvements of each person within his selection, if the same can be made, and if not, then all the persons belonging to the tribe town, shall take them in one body in a proper form." When more persons reside in a town or neighborhood than can receive their complement of land at these places, a portion of them will remain, and the others will receive their allotment in a body elsewhere; so that in every instance the possession of the improvements continues with the Indians, not subject to the control of the Government, from the ratification of the treaty until the selections are made, and afterwards, indefinitely.

It is obvious, therefore, that these improvements are not public land, and it is equally clear that the reservations, after they are located, will become the private property of the individuals to whom they may be assigned.

The Government has no present nor future interest in such of the selections as will include improvements. They are the private property of the persons in possession, who are in no respect whatever dependent on the will or permission of the Government for its enjoyment. If any agent of the United States were to attempt the removal of one of these people, he would have his selection around him improve.

It cannot be doubted that the dis-

position of the courts of this State, and the authority of the State, is a subject of great importance. It is a subject which has been discussed in the courts of this State, and the authority of the State, is a subject of great importance. It is a subject which has been discussed in the courts of this State, and the authority of the State, is a subject of great importance.

But intruders are to be removed by force from the selections, "for the term of five years from the ratification of the Treaty," &c. After the Indians are placed in possession of their tracts, 90 of which are to contain 640 acres, and the others 340 acres each, they will certainly cease to be public lands. Not only the right to occupy, but the right to sell, is secured by the treaty; and if there is any reason for considering that the improvements before the reservations are located, are not private property, there will be none afterwards.

The Constitution of the United States, in limiting the powers of the General Government, in relation to the public domain, is too explicit to admit of doubt. It is, that "Congress shall have power to dispose of, and make all needful rules and regulations respecting, the territory or other property of the United States."

When these lands are sold or disposed of, its authority ceases, and it has no more or greater power to regulate their future possession or punish for trespasses, than any other land holder. The Government may make a contract with our citizens, concerning what title it chooses, but the contract is to be enforced and the title protected by the courts and not by its own direction. One hundred years might with equal propriety have been inserted in the treaty, and there was the same authority for extending the power of removal to subsequent purchasers, that there was to the Indians.

That the Indians within the limits of this State are citizens thereof, and subject to its laws in every respect, cannot be questioned, at least by the General Government. The treaty with these people is nothing more than a contract with so many citizens of Alabama.

Suppose an agreement has been entered into with eight resident citizens of the county of Montgomery, acting for themselves and also as the agents of one hundred of their neighbors, by which the Government, besides conveying to each 640 acres of land, had stipulated to remove by force upon any of these tracts. It is quite apparent that such stipulation, as well as any attempt to carry it into effect, would be an unwarrantable interference with that which can be regulated alone by the laws of the State, and a palpable encroachment upon its jurisdiction. And yet this case is precisely similar in principle to the one under consideration.

If the General Government has the right to regulate the conduct of our people in relation to their land, it can rightfully expel a citizen who trespasses upon the land of his neighbor by the summary interposition of a military guard, without even the forms of military investigation, what is to restrain it from the exercise of the same power in relation to trespasses upon personal property? From this the transition would be easy to the taking cognizance of all irregularities, misdeeds, and crimes the right to punish which has heretofore been considered as belonging exclusively to the State tribunals. If, by the treaty-making power, the ordinary operation of our laws upon the persons and property of our own citizens can be suspended, as will be the case if the fifth article of the treaty is executed in the mode prescribed in your late order to the Marshal, the whole field of State jurisdiction may be considered as occupied, and State sovereignty, the reserved rights of the States, &c. are but unmeaning sounds, utterly unworthy of serious consideration.

I know that these terms are used by many as mere cant expressions, and that they have been brought into disrepute by the extravagant pretensions and absurd doctrines of a juster State; but they imply things that are still worth preserving, and, as long as the blessings of this Union are justly appreciated, they will command the best and highest exertions of the patriot. It is often difficult to trace, with precise accuracy, the boundary which separates the jurisdiction of the State and Federal Governments. We can, at all times, however, determine nearly where it lies. But this treaty is for giving it a new direction. It crosses the line designated in the Constitution at right angles, and runs into the very heart and centre of our domestic concerns.

But, Sir, there is another view of this subject, which will expose, in a light still more glaring, the utter incompatibility of this treaty with the jurisdictional rights of the State of Alabama.

As before observed, the right of extending our laws over the country from which our people are ordered to be expelled, is admitted to the fullest extent. This necessarily implies the right of employing the means that are indispensable to its exercise. What are those means? As enumerated in the Constitution of this State and the laws made in pursuance thereof, they are, that the State shall be laid out into counties, and convenient circuits, that the circuit court shall be held in each county at least twice in every year, that the counties shall be divided into small districts, in each of which there shall be appointed two justices of the peace and two constables, that there shall

be in each circuit a judge of the circuit court, who shall reside in the circuit, that there shall be for each county a judge for the county court, that there shall be also in each county a sheriff, clerks of the circuit and county courts, coroners, notaries, public commissioners of roads and revenue, &c.; and that there shall be summoned, previous to every circuit court, a competent number of grand and petit jurors, and a like number of petit jurors for the county courts.—All these ministers of our laws are required to reside in the counties to which their offices belong. These are the ordinary means by which our State Government is put into operation, and effect given to our laws. And yet the late instructions to the Marshal absolutely prohibit the use of any of them.

The General Government has not only admitted the right of Alabama to extend her jurisdiction over the ceded country, but it has invited and encouraged such extension by sundry documents, to which it is unnecessary to refer. No sooner, however, is the country organized and the necessary steps taken to this end, than an armed force is collected on the banks of Chatahochee, for the purpose of expelling from this large and flourishing section of the State all "white persons," including of course all civil officers and other persons whose agency is necessary to the execution of our laws. We will have no power to punish any offences committed by the Indians, or to subject them in any respect to the restraints of the law, because our courts will have been suppressed in all the counties in which they reside. Now, Sir, if your order be carried into effect, will not an instance have occurred in our country, and the first instance too, of the Government of a State being put down & destroyed in all of its counties by military force? Will not the alarming spectacle be exhibited of the laws of one of the States of this Union in its ordinary operation being compelled to yield, in a time of profound peace, to the dominion of the sword—to give way to the capricious will of a Deputy Marshal, whose favorite modes of punishment seem to be the conflagration of dwellings and the application of the bayonet?

I respectfully request that this project so fatal in its tendency to civil liberty and so directly subversive of the acknowledged rights and sovereignty of the State of Alabama, be abandoned. I protest against it as an unconstitutional interference with our local and internal affairs, and as a measure of revolting injustice and oppression towards that portion of our inhabitants who have not injured the Indians. Put away, Sir, the sword which has been unnecessarily and too hastily drawn against the large and unoffending community. It is the appropriate arbiter in contests of ambition, but not in questions of constitutional right. It ought not to be forgotten, that the American people, on a recent occasion, pronounced between the foreign and domestic branches of our government are to be settled by the tribunal which the Constitution vests with the power of expounding the laws.—To these tribunals I appeal on behalf of the good people of this State.

Very respectfully,
I have the honor to be, Sir,
Your obedient servant,

JOHN GAYLE.
Hon. Lewis Cass, Secretary of War,
Washington City.

The following is the statement of the Marshal, in the case of Owens:

Creek Nation July 31, 1833.
Lewis Cass, Esq.

Dear Sir: I have to report one of the most unpleasant cases that has occurred. A number of the Chiefs complained of Hardman Owens, who lives twenty miles from Fort Mitchell, and he says, has been recently appointed Postmaster. I came to his house, two days since, and informed him that there were many charges against him—that of taking their fields from them, and killing their hogs, horses, and beating the Indians in a most cruel manner, all of which were proved by the Indians and several white persons. I then ordered him to leave the nation—he replied he would die before he left. I left, however, to visit the Tuckabachee town, and move him on my return.—Soon after leaving, the Chiefs came after me and begged me not to leave them, that he had drawn his knife on them, and swore that he would kill some of them. I returned with a command, and arrested him—he then begged and promised to leave in peace. I let him go, and proceeded 15 miles, and was again overtaken by the Indians, stating that he had followed them, and threatened to burn their houses and kill those who dared to come upon the fields taken by him. I then returned and met him on the road, and he ordered me to keep off from his place. I replied that the troops were returning, he had better leave before they arrived. He went back home and sent his family off, and set a mine in his house—and when we reached there, he politely asked us to walk in. I was in advance about 50 paces of the command, and when in the act of riding up to the gate, an Indian called & stated that there was powder in the house—I turned my horse to leave, and Owens ran out in the rear. I called to the men to come up and arrest him, if possible, but not to enter the house, and in a few seconds it blew up, but fortunately no one was injured. We gave chase, but he escaped—in the pursuit he snatched a gun on me.

We had not left the place one mile, before he returned, swearing that he would kill me on sight, and some half dozen Indians. I have therefore directed the Indians to take him if possible, and if he returned among them to shoot him down.—I have another detachment after him, who are now absent. He also stated, that but for several persons behind me, he would have shot me before he sprung the mine.

He is the most dangerous man I have ever met, with, and one of the most dangerous. The Indians are in great alarm and begged of me not to leave them unless he is taken. In all other cases I have had no difficulty—compelling such as are peaceable to pay rents and damages for their intrusion upon the Indian fields, and a few who have been troublesome, and for stealing and killing stock, have been removed.

I have the honor to be, &c.
(Signed, JEREMIAH AUSTILL.
M. S. D. A.)

N. B. The detachment has returned, and informed me that he was surrounded by them but drew arms, and when in the act of firing upon the Sergeant, one of the men shot him.

From the Columbus, (Ga.) Enquirer, Oct. 19.

The Superior Court for Russell county, (Ala.) has been during the most of the week employed in investigating the murder of Owens.—Judge Harris presiding. The Solicitor General, Col. Pickett, has been employed in foretelling out the testimony, which was exceedingly difficult to come at, as it appears no persons were immediately present, but the detachment of troops who were concerned in the murder: we learn that the Solicitor addressed a letter to the commander of the Fort, Major McIntosh, stating the difficulty, and requesting a surrender of the file of soldiers who were present at the killing of Owens, to the Sheriff of Russell county, in order that an investigation might be had, at the same time forwarding the Globe of 24th August, which contained an article stating that the commander at the Fort had had instructions to aid the State in the investigation. To this request the commander replied, that he had received no such instructions, and that he would not comply, and that the soldier who shot Owens, did it in the execution of his lawful duty.

Process was then issued for certain soldiers and suspected persons in the Fort, but without success, the Major informing the Sheriff, upon a demand being made, that he would not give up a man; an attachment was then issued against the Major for a contempt of the Court, which was also disobeyed, the Sheriff returning that he could not take the Major without danger of his life.

It appears also that a subpoena was issued for Lieut. Manning, and served, but he also refused to obey it; we learn under this state of things and upon the affidavit of the Sheriff that the force of the county was inadequate to serve process on persons in the Fort, that the presiding Judge dispatched a messenger to the Governor of the State, calling on him for aid.

We have also learned that true bills for murder have been found against divers soldiers at the Fort, and also against other individuals who were concerned in the transaction.

It remains to be seen whether the military authority is to control the civil. Here is a handful of United States soldiers within the borders of the State, who hold themselves above the laws of the county, & set the laws and the officers at defiance. Will Alabama submit to this?

From the Alabama Journal.

Another ground of complaint was that Owens had taken the Indians' fields from them. Owens had been living in the house occupied by him at the time of his death, for nearly two years. It was never pretended that he got possession of that many other method than a peaceful and legal one. He also cultivated about one hundred acres, perhaps a mile from his house. This is the field which he is charged with taking from the Indians. Now what are the facts? It is well known that many, not only the citizens of this State, but of Georgia, have contracted in anticipation for Indian reserves. An individual desires a particular piece of land, and he contracts with an Indian to locate his reserve upon that land. Thus with Owens. The whole, or very near, of the fields cultivated by Owens, we learn, has been purchased by him as a reserve, and for which he had made payments to the Indians in advance. The land was not occupied by the Indians when he took possession. So that whether the contracts for the reserve will be hereafter regarded legal or not, he obtained possession of the land in a peaceful manner, and was in no sense an intruder. He himself cleared and reduced a considerable portion of the field to cultivation.—This charge as to taking away the fields, is easily unravelled. Two individuals, by the names of Smith and Collins, were very solicitous that Owens should be removed. The latter is the person alluded to above, as having been on his way to Tuckabachee to induce the Chiefs to complain against Owens and others. He, it seems, was anxious to cultivate this field himself. He went to take possession of it, but was driven back by Owens. And with a courage and honesty, no doubt characteristic of him, instead of meeting his foe openly and boldly, shake away, and by whispering to the Indian's ears, induces them to complain against Owens. This disinterested individual took possession of Owens' house within three days after his death! The field is in possession of Smith. We are informed that a portion of the corn produced in that field, is to be appropriated as a compensation to those Indians who pretended to have lost horses and stock by Owens; another portion to the payment of rent to the Indians, for land, part of which he cleared! The people of Alabama will here see that a new code has been introduced into Russell county, for settling estates and dividing the property of widows and orphans! Doubtless Collins and Smith will be beneficiaries under this new statute of distribution.

From the Petersburg Times.

On our first page will be found the correspondence between Governor Gayle

and the Secretary at War, on the subject of the Creek treaty, and the controversy growing out of it. Governor Gayle has taken a firm and decided stand in the defence of the rights of Alabama, and adds another to the numerous examples of how much more ready we all are to contend for our own rights, when trampled on, than aid our neighbours when in like circumstances. When South Carolina declared that "a law that was not made in pursuance of the Constitution," was null and of no effect, Governor G. considered the doctrine absurd and ridiculous: he has now discovered, however, that a treaty must be formed "in pursuance of the Constitution," to give it validity and legal effect against a State. But thus we go—each State, oppressed, nullifying the oppressive law, and each in turn declaring against the nullification of the other.—With how much more wisdom and safety should we act, if we would go in solid column against each and every infraction of the Constitution, whether such violation bore on our particular interests or not. There are dark hints, in some of the papers, of deep treachery, and stupendous fraud, in this Creek business—the truth or falsehood of which will probably be determined next winter.

From the Portland (Maine) Advertiser.

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We have delayed laying before our readers the facts and the correspondence relative to this unhappy affair, until the present day, under the hope and the belief that it would be settled speedily and quietly; but it has assumed an aspect too grave to be any longer withheld.

EMIGRATION.

"Far, far away, the children leave the land." Autumn is naturally a melancholy season: the cessation of that melody which enlivened every grove and forest, the decay of that verdure which adorned the fields and the woods, and the increasing dreariness of the skies, all admonish us that nature is undergoing a change too analogous to the decline of human life, to be disregarded by the reflecting mind.

But, in addition to these, there is another circumstance peculiarly calculated to render this a season of gloom: it is the daily spectacle witnessed in our streets and highways, of all classes of our population—from the wealthy citizen who rides in his carriage, to the poor man who walks by his cart; of all ages, from the venerable grandeur whose locks have bleached upon his native plains, to the lisping grandson—all wending to other regions.

Among other things exhibited, was a machine for destroying bed bugs, of which the Courier takes the following notice: "Mr. Thos. Miller derives most of his money, for a steam engine, which he calls a 'bug exterminator,' and which, for eight months, will 'use up' these remorseless cannibals pretty effectually. If Mr. Miller will carry this immortal steam to Virginia, and there call it 'Chinch-bug destroyer,' he is a made man. We rejoice, in common with the afflicted in his triumph, upon the fair prospect of a speedy cure these villainous insects. A section is *hominis humani generis*, and the obligation to Co execution upon him is universal. Future nevers dreamed of one half the important benefits which his invention is likely to bring to mankind."

We hope that, if Mr. Miller should come in far south, with his 'exterminator,' as the Old Dominion, he may be induced, by the cries of suffering, to extend his benevolent mission somewhat farther. Flesh and blood are subjected to few miseries, in a state of health, more tormenting than that which is inflicted by those odiferous little 'beasts' upon the weary traveller, who lies down with the anticipation of enjoying 'nature's sweet restorative,' but is soon compelled to 'piers night's ear' with his groans.

Such is sometimes the fate of travellers in the good old North State.

Quemque ipse interrimus villi.

Millions of old offenders will be transported this fall, in the chest, trunk, and baggage, emigrants, far beyond the mountains; and guess that, when the good air of America arouses them from their torpor, they will be a little puzzled to find out where they are.

AN ADDRESS

TO THE CITIZENS OF NORTH-CAROLINA.

The Internal Improvement Convention, which assembled in Salisbury on the 1st ultimo, have made it the duty of the undersigned to express to you some of the views and sentiments of that body, on the important subjects which engaged their deliberations; and while we undertake this task with a zeal proportioned to its magnitude, we cannot help remembering that our feeble effort will be exposed to comparison with an accomplished production on this subject from the pen of one of the most talented and experienced Statesmen of the present day: did we not hope that the deep interest which attaches to the occasion would throw a veil over our deficiencies, we would hesitate long to encounter the appalling contrast.

We forbear to press upon public consideration the melancholy and deplorable condition of our State, because we think late circumstances (and some of them sufficiently galling in their character) have awakened the public mind to a full sense of our humiliation; we prefer seizing on the present occasion to congratulate you that a more enlarged spirit, has gone abroad; we rejoice that a generous determination has pervaded every class to do something for our redemption from prejudice and supineness. Although for a long time this spirit has slumbered as if it was dead; at length, however, we think we may hail it as triumphant—the *Phoenix*, appealed to by a few patriotic citizens, among whom we may number our high-minded Governor, enlightened and inspired by the example of our neighbors, have taken these matters into their own keeping. In their primary assemblies they have argued and deliberated, and in spite of the blinded and self-seeking councils of those who have striven for preferment rather by ministering to old prejudices than by maintaining truth, have generously resolved upon prompt and efficient action. The next General Assembly, we confidently believe will bring together, fresh from their constituents and almost from every part of the State, more enlightened zeal and correct opinion than ever united in that body before upon this subject; many of them were elected under the formal pledge of maintaining this policy in a liberal application of it wherever and whenever it is required by the public good; the rest have heard, and are still hearing a voice from the People, which they cannot disregard.

But while in the fullness of our hearts we thus offer our congratulations, we cannot disguise from you that our dawn of hope has its clouds; much of prejudice for old times and old forms, and the every day habits of our fathers, grapple close to the hearts of many—much doubt and ignorance of the necessity and use of public works, and of the means of achieving them remain to be dispelled. The suspicion and even resentment of some, engendered

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Such is sometimes the fate of travellers in the good old North State.

Quemque ipse interrimus villi.

Millions of old offenders will be transported this fall, in the chest, trunk, and baggage, emigrants, far beyond the mountains; and guess that, when the good air of America arouses them from their torpor, they will be a little puzzled to find out where they are.

AN ADDRESS

TO THE CITIZENS OF NORTH-CAROLINA.

The Internal Improvement Convention, which assembled in Salisbury on the 1st ultimo, have made it the duty of the undersigned to express to you some of the views and sentiments of that body, on the important subjects which engaged their deliberations; and while we undertake this task with a zeal proportioned to its magnitude, we cannot help remembering that our feeble effort will be exposed to comparison with an accomplished production on this subject from the pen of one of the most talented and experienced Statesmen of the present day: did we not hope that the deep interest which attaches to the occasion would throw a veil over our deficiencies, we would hesitate long to encounter the appalling contrast.

We forbear to press upon public consideration the melancholy and deplorable condition of our State, because we think late circumstances (and some of them sufficiently galling in their character) have awakened the public mind to a full sense of our humiliation; we prefer seizing on the present occasion to congratulate you that a more enlarged spirit, has gone abroad; we rejoice that a generous determination has pervaded every class to do something for our redemption from prejudice and supineness. Although for a long time this spirit has slumbered as if it was dead; at length, however, we

to the decay of former hopes, and rendered almost fatal by the loss of fortune, will certainly fall upon our case; we therefore call upon such as think with us, that the State is involved in this policy, to be constant and persevering in seconding our efforts—and on all who doubt or disbelieve, to seriously regard the following considerations.

It will strike you all as an undeniable maxim, that the true wealth of a country consists in its capacity for production, and that the most essential contributors to these are the industry and wealth of her citizens. Is it not then a source of alarm that so many of the wealthy and industrious natives of North Carolina are continually withdrawing from her limits? The evils of emigration have often been set forth so strongly and so eloquently, that we think it scarcely required that we should in this paper dwell upon them extensively; but we cannot pass by this part of our duty, without asking if any of you have ever had a neighbor, to whose kindness and intelligence you were indebted for instruction in business and examples in virtue,—on whose wisdom you leaned in the hour of trial, whose benevolence had helped you when in distress—and who was reluctantly drawn from amongst you by the more alluring prospects of the distant West? You can appreciate, then, with some certainty, the affliction of the Statesman at this eternal drain of the most essential elements of his country's greatness.

Our arrogant neighbors have sometimes in moments of spleen, denominated our land the *Bononia* of America—a country "where genius sickens and where fancy dies." Who amongst us can look to the Senate of the Union, and perceive so many of her emigrants reflecting the lustre of their names upon other States, who can visit one of our out-stripping neighbors, and perceive the Bench, the Bar, and the Saloon of the private circle, graced with genius, and sparkling with wit and eloquence, which a narrow course of State policy had driven from North Carolina, without feeling the agony of merited reproach and mortified pride? It is painful to have pursued thus far this unpleasant topic, but truth, though it occasion momentary mortification, cannot produce other than salutary effects; could it not shame us into a system of public improvement, that by opening new pursuits and creating new attractions, might stay this tide of emigration, and thus at once add to the productive energy of the State, surely every patriotic heart would rejoice.

One of the most important benefits that we might expect to result from an enlightened system of Internal Improvement, is the prosperity that the execution of the system itself would diffuse through the community, by the extent of profitable employment it would open to a large number of persons, beginning with the day-laborer, and proceeding through all the grades of the mechanical arts to the scientific scholar; also the vigor which will be given to every kind of business, and all the professions, by the expenditure of large sums of money. We may the better estimate this effect, by considering what life and activity one million of dollars would infuse into the trading classes; we must not contemplate the amount as divided amongst the people, and ask what would be the share of each, but we should consider how much good could be produced by the successive transits of the same sum through various hands; thus one thousand dollars could be made to extinguish debt to the amount of ten thousand dollars, by passing into the possession of ten persons successively who happened to be at the same time in the condition of creditor and debtor. You all know how very generally this condition exists amongst our citizens, and how vainly they have hoped for a change of times to alter it: many have seen the schemes and propositions which our Statesmen have suggested as remedies for this depression and stagnation in our business, and though few of them were entitled to the sanction of wisdom, some of them, we all admit, were adapted to our emergencies, and but for the distraction and jealousy that has so long prevailed in our councils, measures of relief would long since have been adopted. This spirit of discussion and want of mutual confidence amongst our citizens, is owing much to our backwardness in the march of intellect and great achievement; it is then one of the most convincing anticipations of the policy which we recommend, that these jars and local conflicts of interest shall be driven from our Legislative Hall. By making the same interest common to the two discordant sections, by establishing a social intercourse between men who have heretofore been strangers, because no common concernment has ever called them together, the evil will be destroyed, by removing the cause which produced it.

One other consideration we beg leave to urge upon your attention, and we will then proceed to a more particular view of the subject. The reputation of a State amongst its neighbors, is in a great degree founded upon the magnitude and importance of its Public Works; they are what a State may point to when asked for her jewels. Who ever heard the name of New York without thinking of her canals? Or of Maryland, without adverting to the magnificent structures of her Monumental City? Who tells of Louisiana without mentioning the embankment that commands the Father of Rivers to its channel, or of our young sister Ohio, without styling her the *Holland* of America? North Carolina until lately could boast of one work that added much to the credit of her name: she enjoyed the rare possession of the best piece of stupor that was wrought by the great *Canoe*, but that now has a crumbling mass—Can that State so liberally opened her hand to the foreign artist, to honor the memory of the departed Washington—who so gallantly threw open her treasury to welcome the

chivalrous *La Fayette*—remain heedless to the call of reason and patriotism, again bidding her erect her monuments, not for parade or useless show, but to diffuse amongst her sons—which shall add an enduring credit to her name, because they add to the real blessings of life?

In venturing upon a more particular contemplation of the prospect before us, we greet you with the hope of better days to come. While water communication was considered as the only successful mode of effecting Internal Improvements, they who had studied the face of our country and regarded the impracticable channels of our rivers, however ardent they were for the honor of our State, had nevertheless their doubts whether our condition could thus be bettered; and a melancholy destiny did it seem to promise us; but thanks to the genius of modern invention, the best mode of transportation is within our reach, nay, we are bold to say that it offers to North Carolina advantages and facilities that will put her further beyond the point of competition, than she was behind it under the former plan of improvement. The profile of much of our country is so uniform—every sort of material is so abundant, and of such superior quality—our climate so genial, and withal, the scope of country that could use its advantages is in many instances so extensive and fertile—that the Rail Road would almost seem a blessing peculiarly intended for North Carolina. We have heard it confidently asserted, that this sort of improvement could be completed in our State for the amount that it would take in the Northern States to get the land and materials, and to secure the work when completed against the effects of their climate. We beg leave here to submit some views of an experienced Engineer on the South Carolina Rail Road, which we think contains matter of deep interest to us.

Mr. Dexter, in his remarks on the cost &c. of the South Carolina Rail Road, has gone into a minute comparison between the expense of that and several of the Northern Roads. He states the expense per mile of the Camden and Amboy Road at \$21,000; while the cost of the Southern Road, embracing every thing necessary to its full operation, is only \$8,700 per mile; or less than one third of the other. But, altho' the expense of the Northern Roads is so great, its stock is at least 50 per cent above par. The Frenchtown and Newmarket Rail Road he shows to have cost \$25,000 per mile, or nearly four times as much as the Southern Road, and the stock of this road he quotes at 66 per cent above par. The Hudson and Mohawk Rail Road he states to have cost \$50,000 per mile, and that the stock is still at 33 per cent above par. As extravagant as this appears, yet this gentleman assures us that these Northern roads cost as much to keep them up, as it will cost to keep up the South Carolina. This great difference in the relative costs of these works, Mr. D. attributes, 1st, To the great abundance and cheapness of timber, which he says must constitute a part of every Rail Road. 2nd The less undulating profile of the country. 3rd, The advantage of slave labor. 4th, The cheapness of land; affording almost a gratuitous right of way. He goes on to show that though this road passes through a barren region, the profits of it to the proprietors are already handsome; and the lands in its immediate vicinity are increased at least 50 per cent in value; and that towns are already springing up along its course, and the whole face of the country brightening with prosperity. What its effects will be upon the two cities of Charleston and Augusta, the points of its termination, he does not state, but we may well conclude that it will be immense. Now all the advantages here pointed out as pertaining to the South Carolina enterprise are known also to belong to this State in an eminent degree; and there is one disadvantage which considerably swells the estimate of the former, which none of the contemplated routes in our State would have to bear, and that is the passage of this road through swamps. We may reasonably calculate on the avoidance, also, of those errors in the progress of our works, which cost our Southern neighbors so dearly. It is also observable, that there are various charges mentioned in this estimate, which do not properly belong to it, such as the purchase of adjacent lands, that the company may avail themselves of its improved value, (there is one item of \$12,000 for this,) also charges for the expense of running cars on the finished part of the Road with passengers, merchandise &c. Those things certainly ought not to be reckoned in the cost of construction, and were they excluded, the difference would be considerably greater in favor of such works in the Southern country. We have already adverted to some of the general advantages which a Rail Road would produce to the country. We will now notice some of the more immediate. To carry a barrel of flour from Rowan, for instance, to Fayetteville, costs about one dollar and fifty cents, viz. about one third of its value, whereas, if there was a Rail Road from that part of the country to Fayetteville, a barrel of flour according to the rates on the Northern roads mentioned, would cost from 40 to 50 cents, viz. only about one tenth of its value at the highest calculation. But the saving to the productive labor of the country is still more remarkable; to carry a load of produce from Salisbury to Fayetteville now, requires a man and often a half grown youth and a team of five horses, to be gone eleven days, whereas, on a rail road, the same could be carried in one day, without the man's moving from home with his wagon and team; so that he may set down such a trip, in comparison to the other mode of transportation, as lost labor. We think it a small calculation to say that a man with his wagon and team could make at home at least two dollars a day; were he thus em-

ployed, instead of going on an unproductive journey, there would be a clear saving to him of \$22; we have authority for saying, that two hundred and forty wagons go once a year to Fayetteville; multiply that number by \$22, and we have the amount that now is sunk and wasted in unprofitable labor, viz. \$5280 for the wagoning to Fayetteville alone; but say that Fayetteville does not receive more than one fourth of the surplus produce of Rowan, the same calculation of wasted time, and consequently of wasted money, will hold true, let it go to any other market in our reach; we have then the enormous loss in our reach; \$21,121 yearly to the single county of Rowan. Suppose this labor, instead of being thus wasted, had been bestowed on the farms of this county, either in improving their fertility, or in actual tillage, what an astonishing difference a few years would exhibit in the face of Rowan? Add to all this, that every tract of land in the country would be improved in value, and in some instances nearly doubled, and we have arrived at only a few of the advantages that such a work would give to Rowan. We need not dwell upon the remote advantages that will be sure to accompany the prosperity of the agricultural class; such as the extension of education, morality, and the refined arts of life. What we have said of Rowan, will in a measure hold good of every county in the neighborhood of such an improvement: shall not the sleeper then arise, and refreshed by her long sleep, bestir herself in some mighty effort?

But we are asked how all this can be done? And we know that many are incredulous as to the success of North Carolina in such undertakings for the want of means. The dreadful idea of taxation is also conjured up, to drive away these bright anticipations of good. The most of us who address you, are farmers, and all have a deep interest in that class of people who are essentially the foundation of human society; we therefore solemnly tell you that we are well assured that much of the blessing of such a system can be attained by the State of North Carolina without taxing her citizens to the amount of one cent in money. Very few of us are in the habit of abstractedly contemplating the vast resources of a Sovereignty like North Carolina, and the reason is, that they have in her case never yet been called into action. But it is as certain as any political truth can be, that her credit alone is a pearl of great price; it is a treasury replete with funds, if she chooses to make it so. And in her own time and at her own convenience, she can restore it to the hands that furnished her with it. There are hundreds of capitalists in America, and many more in Europe that would advance to North Carolina all the money she might need, on the sole pledge of her Governor's signature, and what is apt to strike us in private life as most remarkable, is, that a government bond for a long loan will sell in the market for ten per cent more than its amount. The small State of Mississippi, that contains not one fourth of the wealth or population of our State, not long since sold her bonds in the Northern markets, and on the amount (one million and a half,) received a premium of one hundred and ninety-eight thousand seven hundred and fifty dollars, being about 13 1/2 per cent on the sum. The State of Louisiana and Tennessee have also by the use of their names alone procured large amounts of capital upon equally favorable terms. A late London paper asserted the fact that fifty millions would be readily loaned in that city at four per cent on the security of the State Governments, and what seems equally singular, the longer the time of payment is postponed, the higher is the premium, and the lower is the rate of interest demanded. We then, fearlessly assert that North Carolina can procure, on the faith of her name alone, any sum of money she may choose to name for the space of one hundred years if she wishes, and we are persuaded that such is the confidence abroad in her honor and high integrity, that she can make for herself as favorable terms in such a negotiation, as any one of her twenty four sisters. But some may say the interest will be a burden to the people; we tell you that in all probability this will not be the case. Suppose that she had obtained a loan at 12 per cent premium, and that she agreed to pay six per cent interest, here it is evident that during two years she pays no interest at all. In about two years, if we may calculate on the experience of our enterprising neighbors, we shall have effected works that will render vastly more than that amount of profit on the expenditure, and that after the investments are completed, the money which the State not perhaps, more than five per cent, will bring us in at least four times that amount. But even if these anticipations of the incredulous were realized, and for a time the State would have to pay a small tax to meet the interest, what would that be to the public, compared to the increased value given to property every where, and the prosperity bestowed upon the whole community, by the diffusion of so large a sum of money?

Although our first attempts at improvement were unsuccessful, we think there is little foundation for the extent of prejudice which has prevailed on this subject. The first time at which Legislative attention seems to have been directed to this policy, was in the interval between the years 1815 and 1820. In the year 1818, the first operations may be said to have commenced, we were then without experience, the science of Engineering was but little known among us, and no individual of competent skill being in our reach, the practical execution of political schemes were left to the guidance of the unskilled politicians who had contrived them. Owing to the antagonizing purposes that we have before spoken of as existing in that body, no measure could receive the favor of the Legis-

lature, and all the parties to this petty warfare would receive the "placard" of a chance, and with it a modicum of the public funds. Simultaneous efforts were made to render navigable the Roanoke, the Tar, the Neuse, the Cape Fear, the Yadkin, and the Catawba—the work, we believe, was in nearly every instance begun at the wrong end—instead of commencing at the first obstructions that were met in ascending these streams, so that every mile of improvement might have proved its own usefulness, and finally by degrees have worked the whole system into labor—the visionary directors of these plans ordered the means in hand to be so expended that no part of the undertaking could avail at all until the whole was completed; the result was, that all these ill devised schemes fell into discredit about the same time: individuals in various parts of the State lost it is believed, in the whole, about \$100,000, and the State Treasury about half that sum. It seems strange to us that men should ever have calculated on any other result from such unwise and ill concerted projects;—yet their failure is urged by many as a proof that all other attempts must end in the same way, and that it is therefore, best to sit with our hands folded and do nothing. The amount lost, it is true, was serious to individuals, but the State in the aggregate nothing was lost but the labour, for almost all the money remained among us. But even if it had all been a dead loss to North Carolina, it is, compared with her mighty resources, a mere nothing—she has many citizens within her borders that have in a single commercial venture sunk fully that sum—reverses forever overthrow the sluggish, but they strengthen the sinews and nerve the soul of all that deserve success.

We cannot retire from this task without a word of admonition, which past experience shows the propriety of address: *g* to you—it is, that after you shall have embarked in a system of improvement, not to let your hearts fail, you under whatever reverse may come. There never was a great expenditure of money where something was to be made *aneu*, but at some point of its progress it presented discouraging appearances and chilling anticipations of ultimate failure. This crisis we may generally expect to find existing when the largest sum of money has been expended and just before the undertaking has begun to realize profit. In the great Erie Canal this moment of depression was a gloomy era, but the genius which had projected the measure had infused too much of its own energy into the enterprise, for it to be thwarted by the fears of the timid, and leaving little to be regretted but the insult which these inglorious counsels offered to the great Patron of the work, it succeeded—a monument no less to the fame of Clinton, than a bond of strength to the union of these States. When therefore, the gloomy period shall come in our undertaking, we should be cheered on in our march, looking to this bright example and remembering that the darkest hour of the night is that which precedes the first dawn of day.

The Convention, with a view to reconcile jarring opinions, to dissipate local prejudices, and to bring about that unity of design and concert of action so essential to success, have in the spirit of patriotic compromise, forborne to designate the point at which in their opinion, improvement should begin, and they earnestly recommend the several Counties of the State to send delegates to the Convention at Raleigh, on the 4th Monday in November, (inst.) whose intelligence and patriotism may afford a guaranty that local preferences will be yielded up in every question where they may conflict with the general good of the State.

THOMAS G. POLK, *Chm.*
In behalf of the Committee.
Salisbury, November 1833.

Our City.—The ranges of brick Stores on Fayetteville street, with heavy granite fronts, are now so nearly completed, as to give to the spectator some definite idea of what the appearance of our City will be when all its improvements are consummated. Some one has remarked that Raleigh will be among the very handsomest towns in the Southern part of the Union, and we are confident the assertion will be sustained by all whom business or pleasure may bring to our City.—*Raleigh Register.*

The West India Trade, and the arrangement with England in relation to it, will probably be a prominent topic of discussion at the next session of Congress. Discontent, we understand, is deep and universal in the mercantile community, against the one-sided provisions of that arrangement; and memorials and remonstrances against its continuance, are assuredly, will flow from various quarters of the Union, so as to render it indispensable for Congress to give the subject a thorough investigation.—*Delaware Journal.*

Married.
In Mecklenburg County, on the 30th ult. by the Rev. John McCutcheon, Mr. WILLIAM J. TOWNSEND to Miss SARAH BAIN.
Also, in Mecklenburg County, on the same day, by Eli Stewart, Esq. Mr. CALVIN WILSON to Miss CLARINDA PYRON.

Farmers' and Planters' Large ALMANAC,
For the Year 1834.
Calculated for the Meridian of Salem,
And Published by Mr. John C. Blum,
Can be had at this Office.

In addition to the usual contents of Almanacs, this comprises Chronological Table of Remarkable Events, and a good many useful hints on Agriculture, Domestic Economy, &c.
November 11, 1833.

67 The Methodist Quarterly Meeting will commence in this place on Thursday evening next, at the Methodist Church, at candle-light.
Nov. 11, 1833.

Prices Current.
SALISBURY Nov. 9, 1833.

Cotton, in seed,	lb	24	24
Coffee, clean,	lb	12	12
Sugar, brown,	lb	16	16
Loaf,	lb	18	18
Bacon,	lb	10	10
Nails,	gal	8	10
Molasses,	gal	40	45
Brandy, p. ach,	do	33	40
Do app,	do	30	40
Peas,	lb	30	40
Flour, (scarce)	bbl	25,00	40
Wheat,	bush	80	1,00
Rye,	do	40	40
Oats,	do	30	40
Corn,	do	35	40
Salt,	lb	1,12	1,25
Butter,	lb	10	19
Tallow,	do	8	10
Tobacco,	do	8	20
Whiskey,	do	25	30

FAYETTEVILLE, Nov. 5.

Peach brandy,	gal	55	60
App. do	do	28	33
Bacon,	lb	9	10
Brewax,	lb	17	17
Coffee,	lb	13	13
Cotton,	lb	13	13
Corn,	bush	60	63
Flaxseed,	bbl	21,45	1,50
Four, new	bbl	2,35	5,75
Feathers,	lb	35	40
Iron,	do	4	44
Molasses,	gal	38	40
Nails, cut	lb	6	64
Sugar, brown	do	102	12
do lump	do	16	16
do loaf	do	38	40
Salt, Liverpool	bush	65	75
Wheat,	do	85	90
Whiskey,	gal	30	35
Tobacco, leaf	lb	34	33
Wool,	do	19	20

CHEMUN, Nov. 5.

Bacon,	lb	10	13
Butter,	lb	15	20
Brewax,	lb	16	17
Coffee, prime green	lb	16	18
do 2nd & 3d qualities	do	16	18
Cotton, new	lb	13	13
Corn,	bush	70	73
Flaxseed, rough	bush	21,00	1,25
Flour, superfine	bbl	2,50	7,50
do fine	do	2,00	6,00
Lard,	lb	10	13
Molasses,	gal	40	50
Sugar, Muscov, prime	do	115	120
do common	do	9	10
do loaf & lump	do	15	40
Salt, Liverpool	bush	75	80
do in sacks of 4 bushels	do	3,00	3,00
Tallow,	lb	10	12
Wheat,	bush	90	1,00

CAMDEN, S. C. Nov. 2.

Cotton,	lb	14	15
Corn,	bush	56	62
Wheat,	do	31,00	1,25
Four, country,	bbl	6	8
Camden mills, sup.	do	8	9
Bacon,	lb	8	10
Whiskey,	gal	33	40
Brandy, app.	do	40	45
do peach	do	40	45

COLUMBIA, S. C. Oct. 25.

Bacon,	lb	10	13
Brandy, app.	do	35	40
Corn,	bush	50	55
Cotton,	lb	16	16
Coffee,	lb	16	18
Corn,	bush	56	62
Flour, country, new	bbl	2,00	5,50
Northern	do	1,00	1,00
Iron, Sweden,	lb	5	5
Corn, country,	do	45	50
Molasses,	gal	40	45
Mackerel No. 1	lb	8,00	8,00
No. 2	do	7,00	7,00
No. 3	do	6,00	6,00
Salt,	bush	75	87
Sugar, loaf,	lb	35	40
do brown	do	10	14
Tobacco,	do	30	35
Tallow,	do	10	12
Whiskey,	gal	40	45

REMOVAL.
THE PRINTING OFFICE
OF THE
Western Carolinian
Has been Removed
From the old stand, to a Room in a more central and business part of the Town,
A few doors below the Court-House,
On the North-West side of Main Street.

Subscriptions and Advertisements
For the newspaper will be thankfully received and promptly attended to, and
Job Printing of every kind
Neatly and Expeditiously Executed,
On the most reasonable terms.

TO PRINTERS.
THE PRESS upon which the Western Carolinian was printed previously to the enlargement of the sheet, is FOR SALE. It is a wooden Press, of A. Ramsay's manufacture, is a super-royal size, and executes work in a very approved style. If applied for soon, it will be sold very cheap.

ALSO FOR SALE, A
Variety of Printing Materials,
Sufficient to establish the business in an economical manner, and which, being partly worn, will be disposed of on reasonable terms. A catalogue of the articles will be given shortly.
November 11, 1833.

Stage Accommodation.
FOR the convenience of Travellers, an excellent Line of Accommodation Stages is established to run between Salisbury and Lexington, on Tuesdays, Fridays, and Sundays. It carries passengers to Lexington in time to take Peck's & Welford's line for the North.
Salisbury, November 4, 1833.

RACES.
THE RACES on the Lexington Course will take place on Thursday the 14th day of November.
Lexington, Davidson Co. Nov. 4, 1833.

TO LET.
THE House lately occupied by the office of the Western Carolinian. It is situated on the Northwest side of Main Street, opposite the building formerly occupied by the State Bank. Apply to the Editor of this paper, or to
JOHN C. BLUM,
November 11, 1833.

Proposals for Publication
IN LINCOLNTON, N. C.
A Weekly Newspaper,
TO BE CALLED
THE LINCOLN HERALD

THE undersigned being ardently animated by many of his friends in modernizing the publication of a Newspaper in this Village, has been induced to offer these proposals, relying on public patronage for the support necessary to justify him in the prosecution of the same. His main object will be to instruct, to please, to excite usefulness, to add to social enjoyment, and to expose whatever has an evil tendency on good morals. It will be his purpose to give all the important news, both foreign and domestic, to insert Agricultural Essays, and to diffuse information on all subjects that have a tendency to improve society in its various relations. He will intersperse literary information, as well as scientific instruction, mingling at the same time, a flavor of poetry, humor, and anecdote, in order to present a variety, so that each individual may find something to gratify his own particular taste. He proposes to be a Republican, both in principle and in feeling; his political doctrine, therefore, will be, to pursue (according to his judgment) the track marked out by the old Whigs, and to support, as the one least objectionable, the Constitution which tends to consolidation, and shunning on the one hand, the equally dangerous doctrine of nullification. He has, as before said, the highest regard for the character of Mr. W. Jackson, and the utmost confidence in his Administration. He leaves himself entirely uncommitted as regards his successor—free to support, whenever the exigency arrives, whatever individual in his opinion, from his character, talents, and sound principles, is entitled to occupy that elevated station. All personal controversy will be strictly prohibited, and every effort will be made to present such a paper as will be acceptable to the public.

THE HERALD will be published once a week, on an imperial sheet, at Three Dollars per annum. The first number, will have, on the first of January, 1834, one year thereon, and as practicable, provided a sufficient number of subscribers are obtained to authorize the commencement. PERRINNE ROBERTS.
Lexington, Sept. 16, 1833.

NOTICE.
THE subscriber, being anxious to dispose of all his portable property in the Town of Salisbury, will offer for Sale, at his dwelling house,
On Tuesday of next Court,
10 excellent Beds & Bedding,
And a large
Household Furniture;
Cattle, Hogs, &c.

All who wish to purchase will do well to come and buy. Terms made known on the day of sale. It will be a true sale, so as to suit purchasers. JAMES MOTE.
Salisbury, November 6, 1833.

NORTH CAROLINA
Temperance Almanac.

5000 COPIES OF THE NORTH CAROLINA TEMPERANCE ALMANAC have been ordered, and are expected to be ready for delivery here by the 15th of November, perhaps sooner. The Almanac is a publication of 48 pages, containing an account of all the Courts, &c. &c. &c. 30 copies may be sent at the Book Store of S. J. Hale, Georgetown, N. C. or to J. B. Drake, William Whitehead, or James Hall, who will be thankfully received.
Fayetteville, Oct. 22, 1833.

Seeds, Trees, Plants, Domestic Animals, IMPLEMENTS, BOOKS, &c. &c.
For sale at the
AMERICAN FARMER ESTABLISHMENT,
No. 16, South Calvert Street,
BALTIMORE, MD.

THE subscriber presents his respects to farmers, gardeners, and dealers in Seeds throughout the United States, particularly his customers, and informs them that he is receiving from Europe, from his own Seed Garden, and from various parts of this country, his annual supply of FINEST AND GREATEST SEEDS; and that he will, by the first of November, be prepared to execute orders, wholesale and retail, with promptness and accuracy, at as low prices and on as favorable terms as can be afforded by any dealer in the United States, for seed and articles.

FRUIT and ornamental trees and plants, grasses, shrubs, bulbs, and seeds of the principal Nurseries or Gardens in the country, for most of which the subscriber is agent; also PLOUGHS, harrows, cultivators, straw cutters, wheat fans, corn-shellers, threshing machines, and all other kinds of Agricultural and Horticultural implements, will be procured from the best manufacturers in Baltimore. DOMESTIC Animals, particularly cattle of the improved Durham Shorthorn, the Devon and the Holstein breeds; sheep of the Bakewell, Southdown, and various fine wooled breeds; sows of several valuable kinds, especially of the Hartley breed; various kinds of poultry such as the white turkeys, Brahma, and Waples, game and other fowls and several other articles of animals, all of choice breeds (and no others) are either kept for sale at the experimental and breeding farm of this Establishment, or may be procured from the best sources, to order. BOOKS, Agricultural, Horticultural and Botanical, in much greater variety than at the bookstores—some of them rare and particularly valuable, are kept constantly for sale. In short, all articles wanted by farmers and gardeners in the prosecution of their business, are intended to be kept either on hand, or within reach when called for. And though less, not least, that old and well known vehicle of knowledge (the most valuable of all commodities for a farmer of the soil)—the AMERICAN FARMER, is published weekly, at this establishment, at \$3 a year, where subscriptions and communications are respectfully solicited, addressed, as all letters must be, to the editor and proprietor, I. IRVING WITCHCOCK.

Note.—As a large number of the American Farmer, containing a Prospectus of the Establishment, and a catalogue of seeds, and other articles for sale, will be sent gratis to every person who shall furnish his address, see, for that purpose, November 4, 1833.

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